

# EXHIBIT 3

|                               |  |   |                         |  |
|-------------------------------|--|---|-------------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b><br>12/838,999             | <b>Applicant(s)</b><br>LAMBERT, ROBERT JOHN   |                         |  |
|                               | <b>Examiner</b><br>Brian P. Whipple              | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><b>Art Unit</b><br/>2448</td> <td style="width: 50%;"><b>AIA (First Inventor to File) Status</b><br/>No</td> </tr> </table> | <b>Art Unit</b><br>2448 | <b>AIA (First Inventor to File) Status</b><br>No |
| <b>Art Unit</b><br>2448       | <b>AIA (First Inventor to File) Status</b><br>No |   |                         |  |

  

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on 5/1/13.  
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 1-25. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see [http://www.uspto.gov/patents/init\\_events/oph/index.jsp](http://www.uspto.gov/patents/init_events/oph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

**Certified copies:**

a) ☐ All    b) ☐ Some    \*c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

**Interim copies:**

a) ☐ All    b) ☐ Some    c) ☐ None of the: Interim copies of the priority documents have been received.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

|   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____<br>3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material<br>4. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____ | 5. <input type="checkbox"/> Examiner's Amendment/Comment<br>6. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance<br>7. <input type="checkbox"/> Other ____ |
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|   |  |
|---|--|
| /Brian P. Whipple/<br>Primary Examiner, Art Unit 2448 |  |
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### **REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance: the prior art fails to teach or reasonably suggest the invention as claimed. For example, see the applicant's remarks filed on 5/1/13, which contrasts the cited references against the invention as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Whipple whose telephone number is (571)270-1244.

The examiner can normally be reached on Mon-Fri (8:30 AM to 5:00 PM EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian P. Whipple  
/Brian P. Whipple/  
Primary Examiner, Art Unit 2448  
5/6/13